
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JODY LOVALLO

Write the full name of each plaintiff.

____ CV ____
(Include case number if one has been assigned)

-against-

Do you want a jury trial?

☒ Yes ☐ No

NEW YORK CITY DEPARTMENT OF
~~EDUCATION; SARA MEDINA, Principal; MARISA~~
~~SORBARO, Assistant Principal; EILEEN KURPPE,~~
~~Assistant Principal, and ALLISON KRENN,~~
Assistant Principal

Write the full name of each defendant. The names listed
above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Jody	A.	Lovallo
First Name	Middle Initial	Last Name
3887 Wood Street		
Street Address		
Jefferson Valley	NY	10535
County, City	State	Zip Code
(914) 482-3415	Jodylovallo@hotmail.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	New York City Department of Education		
	Name		
	100 Church Street		
	Address where defendant may be served		
	New York	NY	10007
	County, City	State	Zip Code
Defendant 2:	Sara Medina, Principal of P.S. 085 The Great Expectations School		
	Name		
	2400 Marion Ave		
	Address where defendant may be served		
	The Bronx	NY	10458
	County, City	State	Zip Code

Defendant 3:

Marisa Sorbaro, Assistant Principal of P.S. 085 The Great Expectations School

Name

2400 Marion Ave

Address where defendant may be served

The Bronx

NY

10458

County, City

State

Zip Code

SEE ATTACHED FOR ADDITIONAL DEFENDANTS.**II. PLACE OF EMPLOYMENT**

The address at which I was employed or sought employment by the defendant(s) is:
P.S. 085 The Great Expectations School

Name

2400 Marion Ave

Address

The Bronx

NY

10458

County, City

State

Zip Code

III. CAUSE OF ACTION**A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☐ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☐ race: _____
- ☐ color: _____
- ☐ religion: _____
- ☐ sex: _____
- ☐ national origin: _____

JODY LOVALLO- FEDERAL COMPLAINT - ADDITIONAL DEFENDANTS

B. Defendant Information

Defendant 4:

Eileen Kurppe, Assistant Principal of P.S. 085 The Great Expectations School

Name

2400 Marion Ave

Address where defendant may be served

The Bronx NY 10458

County, City State Zip Code

Defendant 5:

Allison Krenn, Assistant Principal of P.S. 085 The Great Expectations School

Name

2400 Marion Ave

Address where defendant may be served

The Bronx NY 10458

County, City State Zip Code

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: _____

- ☒ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: 1965

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: _____

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☒ Other (may include other relevant federal, state, city, or county law):
the Rehabilitation Act for advocating on behalf of her special education students

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☐ terminated my employment
- ☒ did not promote me
- ☐ did not accommodate my disability
- ☒ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☒ other (specify): Gave me poor ratings, denied my teaching preferences,
prevented me from being eligible for per session, gave me unwarranted plan of assistance

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

See attached addendum.

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 6-10-22

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? 11-02-22

When did you receive the Notice? 11-10-22

☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

end the harassment, be assigned to my teaching preferences, removal of the

unwarranted negative observations and emotional distress damages.

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>1-31-23</u>		<u>s/ Jody Lovallo</u>	
Dated		Plaintiff's Signature	
<u>Jody</u>	<u>A.</u>	<u>Lovallo</u>	
First Name	Middle Initial	Last Name	
<u>3887 Wood Street</u>			
Street Address			
<u>Jefferson Valley</u>	<u>NY</u>	<u>10535</u>	
County, City	State	Zip Code	
<u>(914) 482-3415</u>	<u>Jodylovallo@hotmail.com</u>		
Telephone Number	Email Address (if available)		

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☒ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

Addendum for Federal Employment Discrimination Complaint for Jody Lovallo

1. I began my employment with the New York City Department of Education (“NYCDOE”) as a special education elementary school teacher in September of 2004 at P.S. 85 in the Bronx.
2. I am 57 years old (born November 11, 1965). I am the oldest special education teacher and one of the most senior teachers at P.S. 85.
3. I have not received an Unsatisfactory or less-than-Effective annual rating in the last 10 years, prior to Sara Medina becoming principal at P.S. 85.
4. In or around February of 2019, Sara Medina became principal of P.S. 85.

2019-20 School Year

5. Shortly after Principal Medina assumed leadership of P.S. 85, a noticeable shift in the manner that older teachers were treated occurred.
6. Specifically, beginning in September of 2019, Principal Medina, with the help of Assistant Principals Eileen Kurppe, Allison Krenn, and Marisa Sorbaro, began her campaign of targeting the oldest and most senior teachers at the school in order to remove them from P.S. 85 or to create a hostile work environment so extreme that they had no choice but to resign.
7. I was the only teacher on staff who did not receive an Initial Planning Conference (“IPC”) for the 2019-20 school year.
8. On October 10, 2019, I was the only kindergarten teacher not invited to Foundations (phonics program) training.
9. For the 2019-20 school year, I was forced to teach my self-contained special education class in the main building, in isolation away from the other kindergarten teachers.
10. On January 15, 2020, Principal Medina gave me an informal observation report with mostly Developing ratings for an observation done in a self-contained special education classroom with students that were predominantly autistic and classified with severe learning and behavior problems.
11. I received a Developing rating for my Measures of Teacher Practice (“MOTP”) score for the 2019-20 school year.
12. All the teachers that received poor ratings that year were over the age of 50.

2020-21 School Year

13. On or about June 18, 2020, I was denied my preference for the special education position in the self-contained (“ICT”) classes. I should have been granted the position because I had the most seniority in ICT classes in the school. Ms. Balderas, Ms. Shatkes, Ms. Law and Ms. Franco are all younger and have less seniority than I do, but all received ICT class assignments.
14. Following a meeting on June 23, 2020, Principal Medina changed my class assignment for September 2020 to 1st grade ICT.
15. In October 2020, Principal Medina again changed my class assignment from 1st grade ICT to 2nd grade ICT.
16. Then in December 2020, in the middle of the school year, once again Principal Medina denied my teaching preference for an ICT class and assigned me to teach a general education class for the remainder of the school year. My ICT class was assigned to someone younger and with less seniority than me.
17. On May 21, 2021, AP Krenn gave me mostly Developing ratings for an informal observation in mathematics. The observation was in-person during the height of the Covid-19 pandemic with teachers and students wearing masks and undergoing social-distancing guidelines. The make-up of the class was 15/16 students were classified as English as a New Language (“ENL”). I have no license in this area, but was assigned this class to teach.
18. On June 7, 2021, just two weeks later, with no training or coaching, I was observed again by AP Kurppe in another content area writing. AP Kurppe rated me Developing in two of the areas. Again, the observation was in-person during the height of the Covid-19 pandemic.

2021-22 School Year

19. At the beginning of the school year, I was ineligible to apply for a per session opportunity in the Extended Learning Time (“ELT”) program for the 2021-22 school year due to my unwarranted Developing MOTP for the prior year. This caused a loss of compensation of about \$7,922 in my gross pay for the 2021-22 school year. I previously worked as an after school teacher in the ELT program during the 2020-21 school year.
20. In September 2021, I was placed as a general education teacher in a 3rd grade ICT class before being moved in October 2021 to a kindergarten class.
21. On September 27, 2021, I notified AP Sorbaro that the 3rd grade ICT class was non-compliant as it was well over a 60/40 ratio.

22. In October 2021, my name was omitted from the bulletin board hanging by the main entrance which listed all other staff at P.S. 85. I advised Principal Medina and AP Sorbaro that I felt excluded and hurt, but they did not add my name to the bulletin board.
23. On October 13, 2021, I was removed from my 3rd grade ICT class and replaced by a long term substitute teacher.
24. The same day, on October 13, 2021, AP Sorbaro issued me mostly negative ratings for an informal observation on October 12, 2021.
25. During the fall of 2021, Brianna Durkin, who is about 29 years old, was not observed and did not receive poor ratings the way I was. She was also tenured. She was my co-teacher and I worked directly with her. As such, we were subject to the same performance evaluation and engaged in comparable conduct.
26. On November 1, 2021, although I received an overall effective rating for years, I was assigned a plan of assistance, which calls for excessive paperwork, writing lesson plans weekly, putting in reflections, and regular meetings during my prep time even though preps are mandated to review IEP mandates.
27. On November 19, 2021, I attended a UFT consultation committee meeting where we addressed union concerns with the administration. I mentioned that not all special education ICT classes had proper 60/40 ratios. The administration denied it and said they would “get back to us.” I also informed the administration that children were tantruming and crying during their attendance award ceremonies during the pandemic. Children who had been sick or home with doctor's notes were not given a prize or a chance to do an activity with the “attendance clown.” I had a feeling retaliation would follow, but it did not feel right to not express my opinion about the practice.
28. On November 23, 2021, the union filed a grievance on my behalf regarding my plan of assistance, which I won because the rating for the 2019-20 school year should not have counted towards issuing me a plan of assistance. However, the administration has continued to harass me with extra coaching sessions during my prep time without justification.
29. During the 2021-22 school year, I was the oldest special education teacher on staff and the only one asked to give up my prep period on a regular basis to sit with the school's IEP teacher as a peer. In these meetings, the IEP teacher told me that the administration asked me to do certain things that other special education teachers are not asked to do, including writing detailed management plans with confidential IEP information about individual children on each plan for each subject matter. I was the only special education teacher asked to monitor the progress of children on separate charts with additional paperwork.

30. On December 10, 2021, and again on March 25, 2022, I complained to AP Kurppe and AP Sobaro about IEP mandates not being met for students in my class.
31. On April 5, 2022, AP Kurppe issued me mostly negative ratings for an informal observation.
32. On April 29, 2022, Principal Medina issued me mostly negative ratings for an informal observation.
33. On May 4, 2022, I received negative ratings in most categories for my end of year MOTP for the 2021-22 school year. I believe I am being harassed by the school administration with negative scores to force me out of the school.
34. My overall rating for 2021-22 was Developing. This rating was partially due to the opinion-based observations and partially due to the fact that the MOSL chosen by Principal Medina was the grades 3-5 state tests. Teachers in grades K-2 cannot influence this sizable chunk of their ratings under this system. As a result, even though my teaching practices have led to both general and special education K-2 students showing great improvement in their reading scores, it had no impact on my overall teacher rating due to the choice that Principal Medina made.
35. Principal Medina did not follow the recommendation of the MOSL committee to use local measures to evaluate teacher practices in both the 2021-22 and the 2022-23 school years. Had these recommendations been followed, I would have had an Effective Rating due to my students reading scores.
36. In addition to the negative treatment I have experienced, Principal Medina has treated other senior teachers in a disparate fashion. Specifically, Principal Medina and her administration has targeted Dolores Puccio (about 62 years old), Jose Ojeda (about 65 years old), Mary O'Sullivan (about 58 years old), Maribel Maralunda (about 60 years old), Phil Gonzalez (about 60 years old), and Susan Parks (70 years old). All of these teachers received lower observation reports and ratings, as well disciplinary letters to file, after Principal Medina assumed leadership. As a result of this discriminatory behavior, several of these senior teachers retired or resigned. In contrast, younger teachers were not observed as frequently, they received their teaching preferences, and were not required to do additional work regarding IEPs.
 - a. Mr. Ojeda received an improvement plan despite receiving overall "Effective" annual ratings. Following receipt of his improvement plan, Mr. Ojeda's ratings suddenly plummeted, and he received primarily "Ineffective" and "Developing" ratings. After being served with Education Law Section 3020-a charges seeking his termination, Mr. Ojeda retired in 2021.

- b. After receiving unwarranted disciplinary letters to file and being treated in a disdainful and rude manner by Defendants—including being told not to share his opinions with younger teachers during staff meetings—Mr. Gonzalez retired in early 2022.
- c. Ms. O’Sullivan, an untenured teacher, was issued an improvement plan and numerous unwarranted disciplinary letters to file and was eventually terminated from employment. Her younger co-teacher, Ms. Berkowitz (age 38), received no letters to file.
- d. Ms. Maralunda, who had the most seniority in the building, was not given any of her choices on her preference sheet and ultimately placed in a self-contained class where she received little support for her students with special needs, some of whom were sent to a school in District 75 after she left. Notably, District 75 provides highly specialized instructional support for students with significant challenges, such as autism spectrum disorders, significant cognitive delays, emotional disabilities, sensory impairments, and multiple disabilities. Ms. Maralunda retired at the end of the 2021 school year due to the lack of support and hostile work environment she experienced from Defendants.
- e. Ms. Puccio, an “Effective” rated teacher all of her career, received numerous letters to file during the 2019-20 school year that caused her so much stress and anxiety that she retired at the end of the school year.
- f. Starting in the 2019-20 school year, Ms. Parks received less-than-effective ratings, unwarranted disciplinary letters to file and was denied her teaching preferences which were assigned to younger teachers. Principal Medina also issued Ms. Parks an improvement plan despite the fact that she had received an “Effective” overall rating for the previous school year. During the 2020-21 school year, Ms. Parks’ co-teacher, Ms. Diaz, received positive ratings from the administration, while Ms. Parks continued to receive less-than-effective ratings, even though they co-planned and co-taught each lesson.
- g. Upon information and belief, Edel Law, who is about 35 years old and was also tenured, was not observed until the end of the 2021-22 school year and was giving positive ratings.
- h. Michelle Bertorelli, who was my ICT co-teacher from October 2021 to June 2022, was observed only two times during the 2021-2022 school year. Ms. Bertorelli is approximately 39 years old. In contrast, I was observed three times (on October 12, 2021; April 5, 2022; and April 29, 2022).

37. On June 10, 2022, I filed a complaint with the New York State Division of Human Rights (SDHR) against NYCDOE, Principal Medina, AP Sorbaro, AP Kurppe, and AP Krenn alleging age discrimination and hostile work environment. I also mentioned that I was being retaliated against for complaining to the school's administration about students not having their IEPs met.
38. NYCDOE replied to my SDHR complaint on or about August 2, 2022. I requested that my SDHR complaint be withdrawn based on administrative convenience to proceed without prejudice to Federal Court. I received a notice of right to sue letter from the EEOC, dated November 2, 2022.

2022-23 School Year

39. At the beginning of the 2022-23 school year, I was again ineligible to apply for a per session opportunity in the ELT program for the 2022-23 school year due to my unwarranted Developing MOTP for the prior year. This caused another loss of compensation of about \$7,922 in my gross pay for the 2022-23 school year. I have been forced out of ELT per-session work for two years in a row.
40. In September 2022, my grade and classroom were moved again. All four administrators, Principal Medina, AP Kurppe, AP Krenn, and AP Sorbaro called me to the administration office, informing me that they moved me again from kindergarten to 2nd grade in another building. This was the fourth move since the Fall of 2020 in the span of 24 months (1st grade ICT to 2nd grade ICT remote to 2nd grade General Education assignment in person to 3rd grade ICT to kindergarten ICT to 2nd grade ICT).
41. Since October 3, 2022, I have been placed on a Teacher Improvement Plan ("TIP").
42. On December 8, 2022, I received an observation containing mostly Developing ratings. I filed an APPR complaint to challenge this observation as the evidence did not match the criteria.
43. Since the beginning of the 2022-23 year, my name was also omitted several times from staff mass-email announcements. For instance, one of these announcements was the ELT job posting for the 2022-23 school year. A peer had to forward the posting to me so I could read it.
44. In December 2022, a job posting for Special Education Recovery was also posted. Again, I was not qualified to apply, due to Principal Mediana requiring an Effective score on the opinion-based MOTP from the prior year. During the 2021-2022 school year, I worked in this program with approximately \$1,500 gross pay.

45. I believe that I have been targeted with negative observation reports, numerous different teaching assignments, additional burdensome tasks to do, an unwarranted plan of assistance and TIP, due to my age and protected complaints of discrimination.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office
33 Whitehall St, 5th Floor
New York, NY 10004
(929) 506-5270
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 11/02/2022

To: Jody Lovallo
3887 Wood Street
Jefferson Valley, NY 10535

Charge No: 16G-2022-02958

EEOC Representative and email: Holly Shabazz
S/L Program Manager
HOLLY.SHABAZZ@EEOC.GOV

DISMISSAL OF CHARGE

The EEOC is closing this charge because: Charging Party wishes to pursue matter in Federal District Court.

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated your charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission,

Digitally Signed By: Timothy Riera
11/02/2022

Timothy Riera
Acting District Director

New York State Division of Human Rights

Employment Complaint Form

Although workers, interns and volunteers of all ages are protected, you must be 18 years or older to file a complaint. A parent, guardian or other person having legal authority to act in the minor's interests must file on behalf of a person under the age of 18.

1. Your contact information:											
First Name <u>Jody</u>		Middle Initial/Name <u>A.</u>									
Last Name <u>Lovallo</u>											
Street Address/ PO Box <u>3887 Wood Street</u>		Apt or Floor #:									
City <u>Jefferson Valley</u>		State <u>NY</u>	Zip Code <u>10535</u>								
If you are filing on behalf of another, provide the name of that person:		Date of birth:	Relationship:								
2. Regulated Areas: Check the area where the discrimination occurred: (If you wish to file against multiple entities, for example employer and temp agency, please file a separate complaint against each.) <table style="width: 100%; margin-top: 10px;"> <tr> <td><input checked="" type="checkbox"/> Employment (<i>including paid internship</i>)</td> <td><input type="checkbox"/> by a Labor Organization</td> </tr> <tr> <td><input type="checkbox"/> Internship (<i>unpaid</i>)</td> <td><input type="checkbox"/> Apprentice Training</td> </tr> <tr> <td><input type="checkbox"/> Contract Work (<i>independent contractor, or work for a contractor</i>)</td> <td><input type="checkbox"/> by a Temp or Employment Agency</td> </tr> <tr> <td><input type="checkbox"/> Volunteer Position</td> <td><input type="checkbox"/> Licensing</td> </tr> </table>				<input checked="" type="checkbox"/> Employment (<i>including paid internship</i>)	<input type="checkbox"/> by a Labor Organization	<input type="checkbox"/> Internship (<i>unpaid</i>)	<input type="checkbox"/> Apprentice Training	<input type="checkbox"/> Contract Work (<i>independent contractor, or work for a contractor</i>)	<input type="checkbox"/> by a Temp or Employment Agency	<input type="checkbox"/> Volunteer Position	<input type="checkbox"/> Licensing
<input checked="" type="checkbox"/> Employment (<i>including paid internship</i>)	<input type="checkbox"/> by a Labor Organization										
<input type="checkbox"/> Internship (<i>unpaid</i>)	<input type="checkbox"/> Apprentice Training										
<input type="checkbox"/> Contract Work (<i>independent contractor, or work for a contractor</i>)	<input type="checkbox"/> by a Temp or Employment Agency										
<input type="checkbox"/> Volunteer Position	<input type="checkbox"/> Licensing										
3. You are filing a complaint against:											
Employer, Worksite, Agency or Union Name <u>New York City Department of Education/ P.S. 085 Great Expectations</u>											
Street Address/ PO Box <u>2400 Marion Avenue</u>											
City <u>Bronx</u>		State <u>NY</u>	Zip Code <u>10458</u>								
Telephone Number: <u>718-584-5275</u>											
In what <i>county or borough</i> did the violation take place? <u>Bronx County</u>											
Individual people who discriminated against you:											
Name: <u>Sara Medina</u>		Title: <u>Principal</u>									
Name: <u>Marisa Sorbaro</u>		Title: <u>Assistant Principal</u>									
If you need more space, please list them on a separate piece of paper.											
4. Date of alleged discrimination (<i>must be within one year of filing</i>):											
The most recent act of discrimination happened on: <u>5</u> <u>4</u> <u>2022</u> month day year											
5. For employment and internships, how many employees does this company have?											
<input type="checkbox"/> 1-14 <input type="checkbox"/> 15-19 <input checked="" type="checkbox"/> 20 or more <input type="checkbox"/> Don't know											

6. Are you currently working for this company?			
<input checked="" type="checkbox"/> Yes. Date of hire:	<div style="border-bottom: 1px solid black; width: 100px; margin: 0 auto;">9</div> <div style="font-size: small; text-align: center;">month</div>	<div style="border-bottom: 1px solid black; width: 100px; margin: 0 auto;">4</div> <div style="font-size: small; text-align: center;">day</div>	<div style="border-bottom: 1px solid black; width: 100px; margin: 0 auto;">2004</div> <div style="font-size: small; text-align: center;">year</div>
<input type="checkbox"/> No. Last day of work:			What is your position? Special Education Teacher
<input type="checkbox"/> I was never hired. Date of application:			What was your position? What position did you apply for?
7. Basis of alleged discrimination: Check ONLY the boxes that you believe were the reasons for discrimination, and fill in specifics only for those reasons. Please look at page 2 of "Instructions" for an explanation of each type of discrimination.			
<input checked="" type="checkbox"/> Age: Date of Birth: 11/11/1965	<input type="checkbox"/> Familial Status:		
<input type="checkbox"/> Arrest Record	<input type="checkbox"/> Military Status: <input type="checkbox"/> Active Duty <input type="checkbox"/> Reserves <input type="checkbox"/> Veteran		
<input type="checkbox"/> Conviction Record	<input type="checkbox"/> Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
<input type="checkbox"/> Creed/ Religion: Please specify:	<input type="checkbox"/> National Origin: Please specify:		
<input type="checkbox"/> Disability: Please specify:	<input type="checkbox"/> Predisposing Genetic Characteristic:		
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> Pregnancy-Related Condition: Please specify:		
<input type="checkbox"/> Gender Identity or Expression, Including the Status of Being Transgender	<input type="checkbox"/> Sexual Orientation: Please specify:		
<input type="checkbox"/> Race/Color or Ethnicity: Please specify: <input type="checkbox"/> Trait historically associated with race such as hair texture or hairstyle	<input type="checkbox"/> Sex: Please specify: Specify if the discrimination involved: <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual Harassment		
<input type="checkbox"/> Use of Guide Dog, Hearing Dog, or Service Dog			
If you believe you were treated differently after you filed or helped someone file a discrimination complaint, participated as a witness to a discrimination complaint, or opposed or reported discrimination due to any category above, check below:			
<input checked="" type="checkbox"/> Retaliation: How did you oppose discrimination:			
If you believe you were discriminated against because of your relationship or association with a member or members of a protected category listed above, indicate the relevant category(ies) above, and check below.			
<input type="checkbox"/> Relationship or association			

Individual people who discriminated against you: Continued

Name: Eileen Kurppe Title: Assistant Principal

Name: Allison Krenn Title: Assistant Principal

8. Acts of alleged discrimination: *What did the person/company you are complaining against do? Check all that apply*

<input type="checkbox"/> Refused to hire me	<input checked="" type="checkbox"/> Gave me a disciplinary notice or negative performance review	<input type="checkbox"/> Denied my request for an accommodation for my disability, or pregnancy-related condition	<input type="checkbox"/> Sexual harassment
<input type="checkbox"/> Fired me/laid me off	<input type="checkbox"/> Suspended me	<input type="checkbox"/> Denied me an accommodation for domestic violence	<input checked="" type="checkbox"/> Harassed or intimidated me on any basis indicated above
<input type="checkbox"/> Demoted me	<input type="checkbox"/> Did not call back after lay-off	<input type="checkbox"/> Denied me an accommodation for my religious practices	<input type="checkbox"/> Denied services or treated differently by a temp or employment agency
<input checked="" type="checkbox"/> Denied me promotion/ pay raise	<input type="checkbox"/> Paid me a lower salary than other co-workers doing the same job	<input type="checkbox"/> Denied me leave time or other benefits	<input type="checkbox"/> Denied a license by a licensing agency
<input checked="" type="checkbox"/> Denied me training	<input checked="" type="checkbox"/> Gave me different or worse job duties than other workers doing the same job	<input type="checkbox"/> Discriminatory advertisement or inquiry or job application	<input checked="" type="checkbox"/> Other: Denied my teaching preferences and prevented me from being eligible for per session.

9. Description of alleged discrimination

Tell us more about each act of discrimination that you experienced. Please include dates, names of people involved, and explain why you think it was discriminatory. TYPE OR PRINT CLEARLY.

Please see the attached addendum.

If you need more space to write, please continue writing on a separate sheet of paper and attach it to the complaint form. DO NOT WRITE IN THE MARGINS OR ON THE BACK OF THIS FORM.

Signature (Declaration or Oath)

Based on the information contained in this form, I charge the herein named respondent(s) with an unlawful discriminatory practice, in violation of the New York State Human Rights Law.

By filing this complaint, I understand that I am also filing my employment complaint with the United States Equal Employment Opportunity Commission under the Americans With Disabilities Act (covers disability related to employment), Title VII of the Civil Rights Act of 1964, as amended (covers race, color, religion, national origin, sex relating to employment), and/or the Age Discrimination in Employment Act, as amended (covers ages 40 years of age or older in employment). This complaint will protect my rights under federal law.

I hereby authorize the New York State Division of Human Rights to accept this complaint on behalf of the U.S. Equal Employment Opportunity Commission, subject to the statutory limitations contained in the aforementioned law.

I have not filed any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice. (If you have another action pending and still wish to file, please contact our office to discuss.)

PLEASE INITIAL JL

Human Rights Law § 297.1 requires that a complaint filed with the Division of Human Rights must be "under oath or by declaration." **You must complete either the "declaration" or "oath" sections below.** The declaration requires only your signature and does not need to be notarized. The oath requires that you sign it before a notary.

DECLARATION

I affirm this 10 day of June (month), 2022 (year) at New York (city), NY (state), under penalties of perjury, that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and know the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believe the same to be true.

Jody A. Lovello
[Complainant name]

OATH

STATE OF NEW YORK)
COUNTY OF New York) SS:

Jody A. Lovello, being duly sworn, deposes and says: that I am the complainant herein; that I have read (or had read to me) the foregoing complaint and knows the content thereof; that the same is true of my own knowledge except as to the matters therein stated on information and belief; and that as to those matters, I believes the same to be true.

Jody A. Lovello
Complainant signature

Subscribed and sworn to
before me this 10th day
of June, 2022

Rachel Badal

Signature of Notary Public

RACHEL BADAL
Notary Public, State of New York
No. 01BA6087097
Qualified in Kings County
Commission Expires Feb. 10, 2023

Please note: Once this form is completed and returned to the New York State Division of Human Rights, it becomes a legal document and an official complaint with the Division.

Additional Information, Page 1: *This page is for the Division's records and will not be sent to the company or person(s) whom you are filing against.***1. Contact information****My primary telephone number:** (914) 482-3415**My secondary telephone number:****My date of birth:** 11/11/1965**(Required) My email address:** Jodylovallo@hotmail.com

The Division uses email, whenever possible, to communicate with the parties to complaints. This avoids delays and lost mail, and increases the efficiency of Division case processing. Therefore, you are required to provide an email address, if you have one, and to keep us advised of any change of your email address. The Division will not use your email address for any non-case related matters.

Contact person (Someone who does not live with you but will know how to contact you if we cannot reach you)

Contact person's name: Kyle Lovallo**Contact person's telephone number:** 914.419.1487**Contact person's address** 1829 Palmer Ave #1C, Larchmont, NY 10538**Contact person's email address:** Kclovallo@aol.com**Contact person's relationship to me:** Son**2. Special needs:** I am in need of:

- ☐ Interpretation (if so what language?): _____
- ☐ Accommodations for a disability: _____
- ☐ Privacy. Keep my contact information confidential as I am a victim of domestic violence
- ☐ Other: _____

3. Settlement / Conciliation: To settle this complaint, I would accept:

(Explain what you want to happen as a result of this complaint. Do you want a letter of apology, job offer, return to the job, an end to the harassment, compensation, etc.?)

End of the harassment, to be assigned to my teaching preferences, removal of the unwarranted negative observations and emotional distress damages.

4. Witnesses (information about witnesses may be shared with the parties as necessary for the investigation) The following people saw or heard the discrimination and can act as witnesses:

Name: Susan Parks

Title Teacher/ Union Rep

Telephone Number: (914) 329-4671

Relationship to me: Coworker

What did this person witness?

Ms. Parks has witnessed and is also a victim of the harassment and discrimination by Principal Medina and the administration at P.S. 85.

Name: _____

Title: _____

Telephone Number: _____

Relationship to me: _____

What did this person witness?

Additional Information, Page Two

5. Did you report or complain about the discrimination to someone else? ☐ Yes ☒ No

If yes, how exactly did you complain about the discrimination? (To whom did you complain?)

.....

Date you reported or complained about discrimination:

_____ month

_____ day

_____ year

What happened after you complained?

.....

If you did not report the discrimination, please explain why:

I did not report the discrimination because I feared retaliation.

.....

6. Were other people treated the same as you? How?

(For example, people who were harassed by the same manager, disciplined or terminated for the same reasons, did not receive an accommodation for the same reasons, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.

Other older teachers such as Dolores Puccio, Jose Ojeda, Mary O'Sullivan, Maribel Maralunda, Phil Gonzalez, and Susan Parks were also targeted by Principal Medina and her administration.

.....

7. Were other people treated better than you? How?

(For example, people who were not fired for doing the same thing you were fired for, people who were doing the same job but making more money, etc.).

If you are complaining about discrimination relating to race, national origin, age, religion, etc. please describe their races, national origins, religions, etc.

Yes, younger teachers were not observed as frequently, they received their teaching preferences, were not required to do additional work regarding IEPs.

.....

Addendum NYS Division of Human Rights Employment Complaint for Jody Lovallo

1. I began my employment with the New York City Department of Education (“DOE”) as a special education elementary school teacher in September of 2004 at P.S. 85 in the Bronx.
2. I am fifty-seven years old, with a D/O/B of November 11, 1965, and the oldest special education teacher and one of the most senior teachers at P.S. 85.
3. I never received an Unsatisfactory or less-than-effective annual rating during my fifteen years prior to Sara Medina becoming Principal at P.S. 85.
4. In or around February of 2019, Sara Medina became principal of P.S. 85.
5. Shortly after Principal Medina assumed leadership of P.S. 85, a noticeable shift in the manner that older teachers were treated occurred.
6. Specifically, beginning in September of 2019, Principal Medina, with the help of Assistant Principals Eileen Kurppe, Allison Krenn, and Marisa Sorbaro, began her campaign of targeting the oldest and most senior teachers at the school in order to remove them from P.S. 85 or to create a hostile work environment so extreme that they had no choice but to resign.
7. I was the only special ed teacher that did not receive an Initial Planning Conference (“IPC”) for the 2019-20 school year.
8. On October 10, 2019, I was the only kindergarten teacher not invited to Foundations (phonics program) training.
9. For the 2019-20 school year, I was forced to teach my self-contained special ed class in the main building, in isolation away from the other kindergarten teachers.
10. On January 15, 2020, Principal Medina gave me an informal observation with mostly developing ratings.
11. In 2021, I found out that I received a Developing rating for my Measures of Teacher Practice (“MOTP”) score for the 2019-20 school year. All the teachers that received poor ratings that year were over the age of 50.
12. On or about June 18, 2020, after being denied my preference for the special ed position in the ICT classes, I complained to Principal Medina via email. I should have been granted the position because I had the most seniority in self-contained (ICT) classes in the school. Ms. Balderas and Ms. Shatkes, Ms. Law and Ms. Franco are all younger and have less seniority than I do, but all received ICT class assignments.
13. Following a meeting on June 23, 2020, Principal Medina changed my class assignment for September 2020 to 1st grade ICT.
14. In October 2020, Principal Medina again changed my class assignment from 1st grade ICT to 2nd Grade ICT.

15. Then in December 2020, in the middle of the 2020-21 school year, once again Principal Medina denied my teaching preference and assigned me to teach a general education class for the remainder of the school year. My ICT class was assigned to someone younger and with less seniority than me.
16. On May 21, 2021, AP Krenn gave me mostly Developing ratings for an informal observation.
17. In the 2020-21 school year, I worked as an “After school teacher” in the ELT program. I was ineligible to apply for the 2021-22, school year due to me unwarranted developing MOTP for the prior year. This caused a loss of compensation of over \$4,000.
18. In September 2021, I was placed as a general education teacher in a 3rd grade ICT class before being moved in October 2021 to a kindergarten class.
19. On September 27, 2021, I notified AP Sorbaro that the 3rd grade ICT class was non-compliant as it was well over a 60/40 ratio.
20. In October 2021, my name was omitted from the bulletin board hanging by the main entrance which listed all other staff at P.S. 85. I advised Principal Medina and AP Sorboro that I felt excluded, but they did not add my name to the bulletin board.
21. On October 13, 2021, I was removed from my 3rd grade ICT glass and replaced by a long term substitute teacher.
22. On October 13, 2021, AP Sorbaro issued me mostly negative observations for an informal observation on October 12, 2021.
23. On November 1, 2021, I was assigned a plan of assistance. The union filed a grievance on my behalf, which I won, because the rating for the 2019-20 school year should not have counted towards issuing me a plan of assistance. The administration continues to harass me with extra coaching sessions during my prep time without justification.
24. On December 10, 2021, I complained to AP Kurppe and AP Sobaro about IEP mandates not being met for one of my students.
25. During the 2021-22 school year, I am the oldest special education teacher on staff and the ONLY one asked to give up my prep period on a regular basis to sit with the school’s IEP teacher as a peer. In these meetings, she tells me that the administration asks me to do certain things that other special education teachers are not asked to do: Write detailed management plans including confidential IEP info about individual children on each plan for each subject matter. I was the only special teacher asked to monitor the progress of children on separate charts with additional paperwork.
26. On March 25, 2022, I complained again to AP Sorbaro and AP Kurppe about IEPs not being met for students in my class.

27. On April 5, 2022, AP Kurppe issued me mostly negative ratings for an informal observation.
28. On April 29, 2022, Principal Medina issued mostly negative ratings for an informal observation.
29. On May 4, 2022, I received negative ratings in most categories for my end of year Measures of Teacher Practice (“MOTP”) for the 2021-22 school year. I believe am being harassed by Principal Medina with negative scores to try and force me out of the school.
30. In addition to the negative treatment I have experienced, Principal Medina has treated other senior teachers in a disparate fashion. Specifically, Principal Medina and her administration has targeted Dolores Puccio, Jose Ojeda, Mary O’Sullivan, Maribel Maralunda, Phil Gonzalez, and Susan Parks. As a result of this discriminatory behavior, several of these senior teachers retired or resigned. All of these teachers received lower observation reports and ratings, as well disciplinary letters to file, after Principal Medina assumed leadership.
31. In summary, I believe that I have been targeted with negative observation reports, due to my age and complaints of discrimination. Additionally, I have been retaliated against for filing a grievance against the administration for discriminating against me and harassing me with an unwarranted plan of assistance.